

Please note: These transcripts are not individually reviewed and approved for accuracy.

STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD  
PUBLIC HEARING ON PROPOSED REGULATIONS MODIFYING ACTIVE  
DISPOSAL SITE GAS MONITORING & CONTROL REGS

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
COASTAL HEARING ROOM  
SACRAMENTO, CALIFORNIA

MONDAY, DECEMBER 4, 2006

12:52 A.M.

TIFFANY C. KRAFT, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Rosalie Mul

STAFF

Mr. John Bell, Staff

Mr. Michael Bledsoe, Counsel

Mr. Bob Holmes, Staff

Mr. Howard Levenson, Deputy Director

Mr. Mike Wochnick, Staff

ALSO PRESENT

Mr. Glenn Acosta, LA County Sanitation District

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

Please note: These transcripts are not individually reviewed and approved for accuracy.

iii

INDEX

	Page
I. Introduction	1
2. Public Comment	2
3. Adjournment	6
4. Reporter's Certificate	7

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 MR. HOLMES: Good afternoon, and welcome to the  
3 public hearing for the active disposal site gas monitoring  
4 and control regulations. My name is Bob Holmes. I'm the  
5 Regulations Coordinator for the Permitting and Enforcement  
6 Division.

7 The general purpose of these regulations is to  
8 make applicable the requirements that currently apply to  
9 closed sites, make those requirements to active sites. So  
10 we currently have standards for closed sites gas  
11 monitoring control, and we'd like to make those same  
12 requirements applicable to active disposal sites.

13 This is a public hearing under the Administrative  
14 Procedures Act, so we're following the requirements of the  
15 Administrative Procedures Act for the public hearing. It  
16 is essentially a continuation of the 45-day public comment  
17 period for the purpose of receiving written and oral  
18 comment. So if you have written comments that you  
19 submitted either already during the 45-day public comment  
20 period or that you've handed to staff today, it's not  
21 necessary for you to repeat those comments before us today  
22 into the microphone. We are already obligated to respond  
23 to those comments either by changing the text of the  
24 regulations or explaining why we're not going to change  
25 the text of the regulations based on your comments.

1           There is a sign-in sheet in the back of the room  
2   separate from one you may have signed this morning for the  
3   P&E Committee. Please sign in there.

4           If you do have comments this afternoon, we ask  
5   that you come up and speak into the microphone for a  
6   number of reasons. One is that we do have a transcriber  
7   who is listening intently, and she can hear you better if  
8   you speak into the microphone. Also, this is being  
9   broadcast on the web. So it only picks it up if you are  
10   speaking into the microphone.

11          We do have staff here, development staff on the  
12   regulations who can answer questions for purposes of  
13   clarity, but we're not here to respond directly to your  
14   comments today. They'll be included in the packet of  
15   comments that we received combined with the 45-day  
16   comments and responded to in the Final Statement of  
17   Reasons for the regs.

18          With that, if you don't already know, Development  
19   staff consists of John Bell and Mike Wochnick. And Legal  
20   Counsel staff is Michael Bledsoe.

21          Okay. With that, we'll open up the public  
22   hearing.

23          MR. ACOSTA: Good afternoon. My name is Glenn  
24   Acosta, and I'm with L.A. County Sanitation Districts.

25          And first of all, I'd like to start off by

1 commending staff in holding the public hearing. I think  
2 it's beneficial to take stakeholder input so that in the  
3 end you can come out with cost effective environmental  
4 protection.

5           We were one of the signatories to a comment  
6 letter in which the major waste management public agencies  
7 in southern California and also major private operators in  
8 the state wrote for this proposed reg. And so we're not  
9 alone in my position here.

10           The reason that I'm here is to talk about the  
11 first point that's brought up in the comment letter which  
12 deals with the property boundary and the new term that's  
13 being proposed which is called disposal site permitted  
14 facility boundary. And the reason why it's important to  
15 us is because according to staff is that easements are not  
16 considered part of the facility.

17           Now, why is this important to us? The reason is  
18 because we have in the case of one landfill an  
19 environmental control system on one of our easements not  
20 only to protect ground water but also to monitor gas  
21 migration. Why do we have the environmental control  
22 system on those easements? Well, the Calabasas Landfill  
23 has been in operation for decades, actually prior to most  
24 if not all the environmental regulations that are  
25 currently here today. And so when you start complying

1 with the new regulations particularly on gas control, you  
2 have to consider the topography, the configuration of a  
3 landfill, and the refuse footprint. At a couple of the  
4 points in the landfill, the refuse comes up against the  
5 property boundary. So it's physically impossible to put  
6 boundary probes at those points because the refuse is  
7 right there. So consequently we secured easements to put  
8 the boundary probes as well as the ground water protection  
9 systems.

10 From my discussion with staff, if easements are  
11 not allowed for compliance purposes, these probes can no  
12 longer be used for reporting purposes or compliance with  
13 the new standard. And that's of great concern to us  
14 because we have these systems in place that are working  
15 and these probes that are on the easements were actually  
16 in the RDSI that we put together which is part of the  
17 facilities permit and was approved back in 2002 and got  
18 Board concurrence later in 2000. And so we feel that they  
19 should be included in this definition of facility.

20 Additionally, if you look at the federal  
21 regulations and the definition of facility, it allows for  
22 pertinences. And if you look up the definition of  
23 pertinences, it includes easements and right-of-ways. Now  
24 in our discussion with staff, there were a couple of  
25 things that were tossed around as potential solutions

1 which we didn't really find practical. One proposed  
2 solution was to excavate the refuse and backfill the soil  
3 so you can put a new monitoring well in there. Well, that  
4 is problematic on many levels. One is you would be  
5 exposing nearby residents to undue public harm and public  
6 health issues. Secondly, that portion of the landfill way  
7 back when took in some co-disposal, and so you would also  
8 be adding that element of public exposure. And third, by  
9 act of Congress, the landfill is included within the  
10 National Park Service jurisdiction.

11 So even if you got through those two things, it  
12 is very doubtful that the National Park Service would  
13 allow such excavation. So we're hoping that we can come  
14 to a workable solution with staff. And I think the last  
15 reg packages that have come through have been very  
16 collaborative with stakeholders and we're hoping that same  
17 atmosphere continues here so we can indeed come up with a  
18 workable solution for all of us. Thank you very much.

19 MR. WOCHNICK: Anyone else?

20 MR. HOLMES: Any other commentators wishing to  
21 speak? Okay.

22 BOARD MEMBER MULÉ: What's the time line?

23 MR. HOLMES: The time line, this will conclude  
24 the public comment period. So staff will take a look at  
25 the comments. And we are scheduled to come back in



1 February now; is that correct? We'll come back to the P&E  
2 Committee in February with either a request for an  
3 additional 15 day or consideration of adoption.

4 Okay. That concludes the public hearing. Thank  
5 you.

6 (Thereupon the California Integrated Waste  
7 Management Board public hearing adjourned  
8 at 1:01 p.m.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 18th day December, 2006.

15

16

17

18

19

20

21

22 TIFFANY C. KRAFT, CSR, RPR

23 Certified Shorthand Reporter

24 License No. 12277

25

Please note: These transcripts are not individually reviewed and approved for accuracy.